

**FEB 26 2008**REMARKS

In the Office Action dated November 26, 2007, claims 1-39, 41-46 and 48-52 were pending. Claim 39 was objected to because of informalities. Claims 9-13 were rejected under 35 U.S.C. § 112. Claims 1-14, 21-39, 41-46 and 48-52 were rejected under 35 U.S.C. § 103.

In this response, no claim has been canceled. Claims 1, 9, 15, 30, 39, and 46 have been amended. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

Claim Objections

Claim 39 was objected to because of the following informalities: "wave division multiplexing" should read "wavelength division multiplexing". In view of the foregoing amendment, it is respectfully submitted the above objection is overcome.

Rejections Under 35 U.S.C. §112

Claims 9-13 were rejected under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the foregoing arguments, it is respectfully submitted that the rejection has been overcome.

Rejections Under 35 U.S.C. §103(a)

Claims 1-13 and 21-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,587,235 B1 to Chaudhuri, et al. ("Chaudhuri '235 patent") in view of U.S. Patent Application Publication No. 2004/0120705 A1 to Friskney, et al. ("Friskney"). In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed includes limitations that are not disclosed or suggested by the cited references.

Specifically, for example, independent claim 1 as amended recites as follows:

1. A method performed in an access node of a wavelength division multiplexing optical network, the method comprising:  
receiving a demand for allocating a protection path that meets a set of disjointness constraints with respect to a working path, the protection path suitable to be shared with one or more other working paths, each of the working paths associated with a priority for obtaining the shared protection path; and  
in response to the demand, selecting a protection path that meets the set of disjointness constraints with respect to the working path and has not been shared with another working path having the same priority as the working path associated with the protection path in demand, wherein the selected protection path is selected from a plurality of protection paths and wherein each of the protection paths is shared by a group of a plurality of working paths in a 1:N protection scheme, wherein each of the working paths within the group is associated with a different and unique priority, such that when multiple working paths sharing the same protection path fail simultaneously, a failed working path with a higher priority retains the shared protection path.

(Emphasis added)

Independent claim 1 as amended is related to a 1:N protection scheme where a group of multiple working paths share with a single protection path. However, within the group, each working path is associated with a different and unique priority. Thus, when multiple working paths fail simultaneously, a failed working path having a higher priority gets the protection path in a 1:N protection scheme. Here the priorities of the working paths are used

as a contention resolution scheme. It is respectfully submitted that these limitations are absent from the cited references.

Rather, Chaudhuri '235 patent discloses both 1:1 and 1:N protection schemes, where SP (super premium) channels are protected using 1:1 protection scheme while S (standard) channels can be protected either 1:1 or 1:N protection scheme. That is why, as acknowledged by the Office Action that the number of R (restoration) channels equals to the number of SP channels because they require 1:1 protection. The different priority schemes referred to by Chaudhuri '235 patent are 1:1 vs. 1:N protection schemes. See for example, Chaudhuri '235 patent, col. 7, line 66 – col. 8, line 34.

However, regarding 1:N protection scheme used by S channels, there is no disclosure within Chaudhuri '235 patent that each of the S channels that share the same protection path is associated with a different and unique priority for the contention resolution purposes. In Chaudhuri '235 patent's system, if there were multiple S channels fail at the same time, it is difficult to determine which of the failed S channels gets the shared protection path since they have the same priority.

In contrast, the present invention is not related to 1:1 or 1+1 protection scheme. Rather, the present invention as claimed is related to how to configure and allocate a protection path solely in a 1:N protection scheme such that when multiple working paths fail at the same time, there is no deadlock between the failed working paths regarding which of the failed working path gets the protection path. It is respectfully submitted that the limitations set forth above are absent from Chaudhuri '235 patent as well as Friskney.

Therefore, for reasons set forth above, it is respectfully submitted that claim 1 is patentable over the cited reference. Similarly, independent claims 15, 30, and 46 include limitation similar to those set forth above. Thus, for reasons similar to those set forth above, it

is respectfully submitted that claims 15, 30, and 46 are patentable over the cited references. Given that the rest of the claims depend from one of the above independent claims, for reasons similar to those set forth above, it is respectfully submitted that the rest of the claims are also patentable over the cited references.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaudhuri '235 patent and Friskney as applied to claims 1-13 and 21-38 above, and further in view of Eli-Dit-Cosaque et al. U.S. Patent Application Publication No. 2004/0218525 A1 to Eli-Dit-Cosaque, et al. ("Eli-Dit-Cosaque").

Claims 39, 43-46 and 50-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaudhuri '235 patent and Friskney as applied to claims 1-13 and 21-38 above, and further in view of U.S. Patent 6,130,876 to Chaudhuri ("Chaudhuri '876 patent").

For reasons similar to those set forth above, it is respectfully submitted that Eli-Dit-Cosaque and Chaudhuri '876 patent also fail to disclose or suggest the limitations set forth above. Therefore, for reasons similar to those discussed above, it is respectfully submitted that the present invention as claimed is patentable over the cited references. Withdrawal of the rejections is respectfully requested.

**FEB 26 2008**CONCLUSION


In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: February 26, 2008

  
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